

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	Criminal No. 1:07-CR-444
	:	
v.	:	(Judge Conner)
	:	
BOBBY LEE BANKS II	:	

ORDER

AND NOW, this 5th day of August, 2013, upon consideration of the motion nunc pro tunc for time credited (Doc. 170), filed by defendant Bobby Lee Banks on May 15, 2013, in which Banks argues that the court erred in failing to order that his federal sentence be served concurrently to an anticipated but unimposed state sentenced, and it appearing that the court lacks jurisdiction in the instant matter because district courts have authority to grant habeas relief only if the custodian of the prisoner is “within their respective jurisdictions,” Rumsfeld v Padilla, 542 U.S. 426, 442 (2004) (quoting 28 U.S.C. § 2241(a)), and that Banks is incarcerated at USP Coleman in the Middle District of Florida, and further that even if the court had jurisdiction, Banks’ request is moot because the Mifflin County Court of Common Pleas ordered that Banks’ sentence for fleeing and eluding a police officer be served

concurrently with Banks' federal sentence, (see Ex. 1 to Banks' motion, Doc. 170 at 6), see also Burkey v. Marberry, 556 F.3d 142, 149 (3d Cir. 2009), and that therefore Banks has already received the relief that he requests, it is hereby ORDERED that Banks' motion is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge